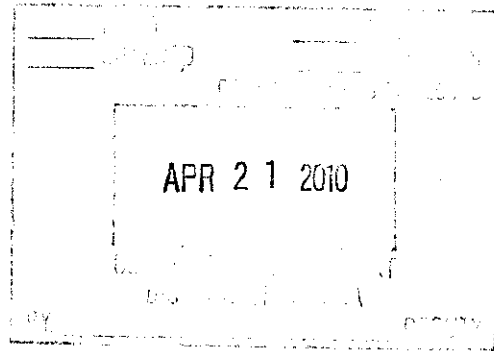


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of America, N.A. and BAC Home Loan Servicing LP

8 UNITED STATES DISTRICT COURT
9
10 FOR THE DISTRICT OF NEVADA

11 PATRICIA S. ANTHONY AND WILLIAM
12 M. ANTHONY,

Case: 3:10-cv-00169-RCJ-RAM

13 Plaintiffs,

14 vs.

ORDER

15 CAPITOL COMMERCE MORTGAGE CO.;
16 COUNTRYWIDE HOME LOANS; MERS;
17 BANK OF AMERICA HOME LOANS;
18 RECONTRUST COMPANY; C.C.M.C. CO., a
California Corporation; FIRST AMERICAN
19 NATIONAL DEFAULT; BAC HOME LOAN
SERVICING LP; TIMOTHY GEITHNER,
U.S. Secretary of the Treasury; and ERIC
20 HOLDER, U.S. Attorney General as Alien
Property Custodian

Defendants.

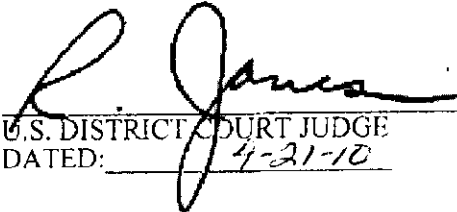
21 On April 9, 2010, a hearing was conducted on Plaintiffs' motion for preliminary injunction
22 [#3]; after reviewing the pleadings and following the arguments of the parties;

23 IT IS HEREBY ORDERED that Plaintiffs' motion for preliminary injunction [#3] is
24 partially granted, subject to the following terms:

- 25 (a) The foreclosure of the property located at 3705 Anthony Place, Sun Valley,
26 Nevada, Parcel No. 026-021-56 is prohibited for 90 days from the date of this
27 Order;
28

- 1 (b) Plaintiffs shall make mortgage payments of \$700.00 on or before April 23, 2010;
2 \$700.00 on or before May 23, 2010; and \$700.00 on or before May 23, 2010, while
3 the injunction is in place;
- 4 (c) The parties are to return to the state mediation program under the following
5 conditions:
- 6 (i) Plaintiffs must provide Defendants with all necessary financial
7 information/documentation so a loan modification can be processed;
- 8 (ii) Defendants must have an individual, with loan modification
9 authority, present at the mediation and provide all documents
10 required by the state mediation program;
- 11 (iii) At the mediation, Plaintiffs are prohibited from making any
12 argument regarding "original note," securitization, existence of the
13 loan, or any other vapor money theories, as contained in their
14 Complaint; and
- 15 (iv) The purpose of the mediation is only to determine if Plaintiffs
16 qualify for a loan modification and if a loan mediation can be agreed
17 to.

18 IT IS FURTHER ORDERED that this case is not stayed and Defendants are permitted to
19 proceed with the filings of any pleadings.

20 
21 U.S. DISTRICT COURT JUDGE
22 DATED: 4-21-10
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